



General Assembly

January Session, 2013

Committee Bill No. 320

LCO No. 3132



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section, "consumer goods and services" means goods and services that
3 are vital and necessary for the health, safety or welfare of consumers
4 and are used, bought or rendered primarily for personal, family or
5 household purposes, including, but not limited to, the provision of
6 lodging, snow removal, flood abatement and post-storm cleanup or
7 repair services.

8 (b) In the event that adverse weather conditions create an unusually
9 high demand for consumer goods and services, the Governor may
10 proclaim that a severe weather event emergency exists. Upon the
11 proclamation of such emergency, the Governor shall post notice of
12 such proclamation on the home page of the Internet web site of the
13 office of the Governor. Upon determining that such severe weather
14 event emergency has ended, the Governor shall post the end date of
15 such emergency on such web site.

16 (c) During such severe weather event emergency, no person within
17 the chain of distribution of consumer goods and services shall sell or
18 offer to sell consumer goods or services for a price that is
19 unconscionably excessive.

20 (d) (1) A determination that a violation of subsection (c) of this
21 section has occurred shall be based, among other factors, on the
22 following: (A) That the price for which consumer goods and services
23 were sold or offered to be sold was unconscionably excessive, (B) that
24 there was an exercise of unfair leverage or unconscionable means, or
25 (C) a combination of both factors in subparagraphs (A) and (B) of this
26 subdivision. (2) Evidence that: (A) The price for which consumer
27 goods and services were sold or offered to be sold represents a gross
28 disparity between the price of the goods or services that were the
29 subject of the transaction and their value measured by the average
30 price at which such consumer goods or services were sold or offered to
31 be sold by the defendant in the usual course of business during the
32 thirty-day period prior to a severe weather event proclamation made
33 by the Governor pursuant to subsection (b) of this section, or (B) the
34 price for which consumer goods and services were sold or offered to
35 be sold grossly exceeded the price at which the same or similar goods
36 or services were readily obtainable by other consumers in the trade
37 area shall constitute prima facie evidence that the price is
38 unconscionably excessive. A defendant may rebut a prima facie case
39 with evidence that additional costs not within the control of the
40 defendant were imposed on the defendant for such goods or services.

41 (e) A seller of an energy resource, as defined in subsection (a) of
42 section 42-234 of the general statutes, shall be exempt from the
43 provisions of this section.

44 (f) A violation of subsection (c) of this section shall constitute an
45 unfair trade or deceptive practice under subsection (a) of section 42-
46 110b of the general statutes.

47 (g) Each violation and each day on which the violation occurs or

48 continues shall be a separate offense.

49 (h) The provisions of this section shall not be construed to limit the
50 ability of the Commissioner of Consumer Protection or the court from
51 finding certain acts or practices unfair or deceptive pursuant to chapter
52 735a of the general statutes in the absence of a severe weather event
53 emergency proclamation made by the Governor pursuant to
54 subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

GL *Joint Favorable*

JUD *Joint Favorable*